

MAY - 9 2007

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

CLERK
U. S. DISTRICT COURT
MIDDLE DIST. OF ALA.

UNITED STATES OF AMERICA)	
)	
v.)	CR. No. <u>3:07CR106-WKW</u>
)	[18 USC 2;
)	21 USC 846;
JUDSON MARSHALL COX;)	21 USC 841(a)(1);
JOSHUA TIMOTHY COX;)	21 USC 843(b);
CAREY TERRELL ORR;)	18 USC 924(c)(1)(A)]
KYLE BAILEY; and)	
DAVID RAY a/k/a "D")	<u>INDICTMENT</u>
)	

The Grand Jury charges:

COUNT 1

From in or about August 2004, and continuing through in or about October 2005, the exact dates being unknown to the Grand Jury, in Lee County, within the Middle District of Alabama, and elsewhere, the defendants,

JUDSON MARSHALL COX,
JOSHUA TIMOTHY COX,
CAREY TERRELL ORR,
KYLE BAILEY, and
DAVID RAY a/k/a "D",

and others known and unknown to the Grand Jury, did knowingly and intentionally conspire, combine and agree together and with others both known and unknown to the Grand Jury to distribute and possess with intent to distribute 500 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1). All in violation of Title 21, United States Code, Section 846.

COUNT 2

In or about September 2004, the exact date being unknown to the Grand Jury, in Lee County, within the Middle District of Alabama,

**JUDSON MARSHALL COX,
CAREY TERRELL ORR,
and KYLE BAILEY,**

defendants herein, each aided and abetted by the other, and others known and unknown to the Grand Jury, did knowingly and intentionally distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, all in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

COUNT 3

On or about February 10, 2005, in Autauga County, within the Middle District of Alabama,

JOSHUA TIMOTHY COX,

defendant herein, did knowingly and intentionally distribute and possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 4

On or about February 15, 2005, in Montgomery County, within the Middle District of Alabama,

JOSHUA TIMOTHY COX,

defendant herein, did knowingly and intentionally distribute and possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 5

On or about July 3, 2005, in Lee County, within the Middle District of Alabama,

CAREY TERRELL ORR,

defendant herein, did knowingly and intentionally possess with intent to distribute 5 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 6

On or about July 3, 2005, in Lee County, within the Middle District of Alabama,

CAREY TERRELL ORR,

defendant herein, knowingly used and carried a firearm, to-wit: a Glock semi-automatic pistol, during and in relation to, and possessed a Glock semi-automatic pistol in furtherance of, a drug trafficking crime for which he may be prosecuted in a Court of the United States, to-wit: possession with intent to distribute methamphetamine as charged in Count 5 of this Indictment. All in violation of Title 18, United States Code, Section 924(c)(1)(A)(i).

COUNT 7

On or about June 20, 2005, in Lee County, within the Middle District of Alabama,

KYLE BAILEY,

defendant herein, did knowingly and intentionally possess with intent to distribute 50 grams or more of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 8

On or about June 28, 2005, in Lee County, within the Middle District of Alabama,

KYLE BAILEY,

defendant herein, did knowingly and intentionally distribute and possess with intent to distribute methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

COUNT 9

On or about June 14, 2006, at approximately 11:37 a.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 10

On or about June 14, 2006, at approximately 12:04 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 11

On or about June 14, 2006, at approximately 1:45 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 12

On or about June 15, 2006, at approximately 11:40 a.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 13

On or about June 15, 2006, at approximately 12:40 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 14

On or about June 15, 2006, at approximately 4:05 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 15

On or about June 15, 2006, at approximately 4:15 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 16

On or about June 15, 2006, at approximately 4:37 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating

the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 17

On or about June 15, 2006, at approximately 4:50 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 18

On or about June 15, 2006, at approximately 6:06 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 19

On or about June 15, 2006, at approximately 6:16 p.m., within the Middle District of Alabama, and elsewhere,

JUDSON MARSHALL COX,

defendant herein, knowingly and intentionally used a communication facility, to-wit: a cellular telephone, bearing telephone number (334) 391-6968, in committing, causing and facilitating the offense set forth in Count 20 of this Indictment incorporated by reference herein. All in violation of Title 21, United States Code, Section 843(b).

COUNT 20

On or about June 15, 2006, in Lee County, and elsewhere, within the Middle District of Alabama,

JUDSON MARSHALL COX,

defendant herein, did knowingly and intentionally attempt to possess with intent to distribute 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, a Schedule II Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

FORFEITURE ALLEGATION-DRUG PROCEEDS

A. Counts 1 through 20 of this indictment are hereby repeated and incorporated herein by reference.

B. Upon conviction for any violation of Title 21, United States Code, Sections 841(a)(1) and 846 as alleged in Counts 1 through 4 and Counts 7, 8 and 20 of this indictment, the defendants,

**JUDSON MARSHALL COX;
JOSHUA TIMOTHY COX;
CAREY TERRELL ORR;
KYLE BAILEY; and
DAVID RAY a/k/a "D",**

shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853 any and all property constituting or derived from any proceeds the said defendants obtained directly

or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in this indictment.

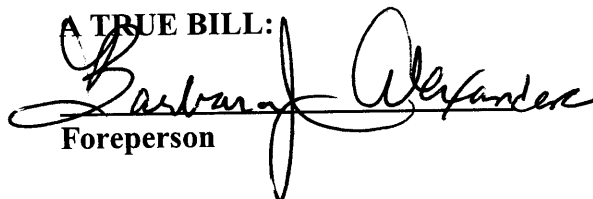
C. If any of the forfeitable property described in this forfeiture allegation, as a result of any act or omission of the defendants:

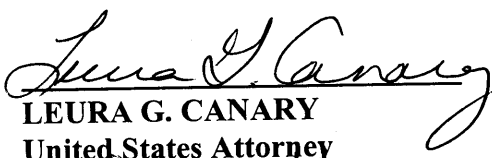
- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third person;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or, has been commingled with

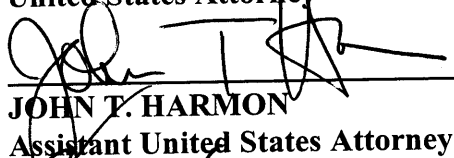
other property which cannot be subdivided without difficulty; the United States, pursuant to Title 21, United States Code, Section 853, intends to seek an order of this Court forfeiting any other property of said defendants up to the value of the forfeitable property.

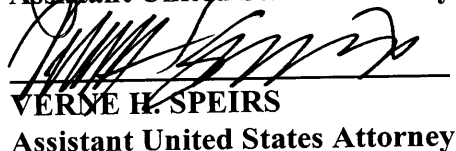
All in violation of 21, United States Code, Section 841 and 846.

A TRUE BILL:


Foreperson


LEURA G. CANARY
United States Attorney


JOHN T. HARMON
Assistant United States Attorney


VERNE H. SPEIRS
Assistant United States Attorney